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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

AUSTRALIA

1. The Committee considered the second periodic report of Australia on articles 13 to 15 (E/1990/7/Add.13) at its 13th, 15th and 20th meetings (E/C.12/1993/SR. 13, 15 and 20) held on 24, 25 and 28 May 1993, and adopted 1/ the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the comprehensive report and for the delegation sent to discuss the report, which serve as an indication of the seriousness with which the Government of Australia takes its obligations under the Covenant.

3. The Committee notes with appreciation that the excellence of the written report, the additional written information as well as oral responses to questions raised have enabled the Committee to obtain a clearer understanding of the State party's performance of its obligations under the Covenant.

B. Positive aspects

4. The Committee notes with satisfaction the efforts made within the federal structure of Australia to establish machinery to ensure compliance with the education related provisions of the Covenant. The Committee also notes with satisfaction that the State party, since the submission of its previous report to the Committee, has undertaken various initiatives and measures designed to redress imbalances in the provision of education for

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1/ At its 20th meeting (eighth session), held on 28 May 1993.

identified disadvantaged groups in Australia, including the Aboriginal and Torres Strait Islander populations, girls, persons with disabilites and minority groups. The Committee welcomes the fact that numerous studies or reviews have been undertaken or are in preparation on education related matters and that the findings of these studies are taken into account in the determination of educational policy and national action plans. The Committee finds of particular importance the development of a national strategy for equity in schooling, the impact on the teaching profession of the National Project on the Quality of Teaching and Learning, and the initiatives being taken concerning human rights education in curriculum development. The Committee also welcomes the development of appropriate indicators to monitor progress in the achievement of set objectives of national policy on education.

5. The Committee is encouraged by the development of programmes to promote multiculturalism and the recognition being placed on the racial and cultural differences in Australia.

C. Factors and difficulties impeding the implementation of the Covenant

6. The Committee notes that differences exist in legislation concerning education within the federal system of Australia. The Committee also notes that the State party has identified several groups as being disadvantaged with regard to the participation in education. In particular, the Committee notes that socio-economic factors and the isolation of certain Aboriginal and Torres Strait Islander communities constitute major difficulties in the implementation of the Covenant.

7. The Committee recognizes that limited resources and the geographic isolation of certain aboriginal communities have been the principal impediments in furthering cultural development and international contacts.

D. Principal subjects of concern

8. The Committee considers the situation of disadvantaged groups in the educational system to be of particular concern. The Committee specifically notes the situation of the Aboriginals and Torres Strait Islanders in education which affects their prospects for future employment, as well as the problems of illiteracy among the adults of this group, the majority of which did not have primary and secondary education.

9. The Committee is also concerned about the lack of opportunities available to persons with disabilities to fully enjoy their rights to education.

10. The Committee is concerned about the effects of funding accorded to non-government schools on the quality of education in government schools.

11. As regards the implementation of article 15 of the Covenant, the Committee expresses its particular concern that Aboriginals and Torres Strait Islanders do not have sufficient opportunities to fully involve themselves in creating awareness of their cultural heritage.

12. The Committee expresses concern over provisions of the Federal Customs Regulations which prohibit the importation of certain materials as referred to in paragraph 310 of the report. The practical application of these provisions could run counter to freedom of artistic creation and performance.

E. Suggestions and recommendations

13. The Committee underlines the importance, in the context of federalism in Australia, of close cooperation and coordination between different authorities and organizations for the effective implementation of the provisions contained in articles 13 to 15 of the Covenant.

14. The Committee suggests that activities be undertaken throughout the federal structure of Australia to sensitize society to the situation and different needs of persons with disabilities and other groups. As part of the efforts to be undertaken to change and influence attitudes towards vulnerable groups, the Committee recommends that further measures be taken to strengthen the human rights education component in formal and non-formal curricula.

15. The Committee considers it important that the State party take particular measures to involve different groups in the process of preparing reports for the Committee and in making these reports widely known and available to the public as well as to make available the summary records and concluding observations following the Committee's consideration of the report.

16. The Committee recommends that due attention be given to the development of indicators for measuring progress in the implementation of the rights covered by articles 13 to 15 of the Covenant. Information on the results and progress made in this area should be provided when the State party next reports to the Committee. In addition, the Committee emphasizes the importance of taking steps to monitor more closely the general situation of Aboriginals and Torres Strait Islanders and other disadvantaged groups particularly in education and culture. The Committee therefore appreciates that the Government of Australia is fully aware of the difficulties impeding the implementation of the Covenant.

17. The Committee emphasizes the appropriateness of the efforts being undertaken by the Government to identify the needs of disadvantaged groups and to continue to draw on the results of studies and reviews in the development of policy initiatives to respond to the needs of such groups. The Committee underscores the importance which it attaches to the economic, social and cultural rights of persons with disabilities and of the elderly and therefore urges the Government to direct major efforts towards assessing and addressing the needs of these groups in relation to their rights under articles 13 and 15 of the Covenant.

18. The Committee appreciates the expression of commitment by the Government to implement equity in schooling as a matter of public responsibility, and thus recommends that legislative efforts be undertaken to eliminate remaining obstacles in the equitable access to educational establishments.

19. The Committee would welcome information, in the next report of the State party on the implementation of articles 13 to 15 of the Covenant, on any differences identified in the quality of education between government and non-governmental schools.

20. The Committee recommends that action be taken to provide Aboriginal artists with opportunities to participate in international fora in order to promote awareness in their indigenous culture.